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County Clerk
Genesee County

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

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IN RE FLINT WATER LITIGATION

Case No. 17-108646-NO

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**NOTICE OF MOTION TO DISQUALIFY THE MICHIGAN ATTORNEY
GENERAL'S OFFICE FROM ALL STATE COURT LITIGATION PART OF
IN RE FLINT WATER LITIGATION CASE NO. 17-108646-NO**

NOW COMES Plaintiffs, and hereby move pursuant MCR 2.119, MCRP 1.6 and MCRP 1.7 for an order disqualifying the Michigan Attorney General's Office from representing any party or parties in the *In re Flint Water Litigation* matters. In support of their motion, Plaintiffs rely on their Memorandum of Law in Support of Plaintiffs' Motion to Disqualify the Michigan Attorney General's Office from the *In Re Flint Water Litigation* matters, filed contemporaneously herewith, and further state as follows:

1. Prior to February 11, 2019, separate Assistant Attorneys General were responsible for defending the State of Michigan and various State officers, on the one hand, and maintaining a *parens patriae* action on behalf of *The People of the State of Michigan*, on the other.

2. On February 11, 2019, these separate functions were consolidated in the Environment, Natural Resources, and Agriculture Division under Assistant Attorneys General Richard Kuhl, Margaret Bettenhausen, Nathan Gambill, and Zachary Larsen.

3. The consolidation of these functions created a direct conflict of interest, that also materially limits the capacity of AAGs Kuhl, Bettenhausen, Gambill, and Larsen—and, by extension, the entire Michigan Attorney General's Office—to represent fully and zealously either the State and State officers, or else *The People of the State of Michigan*.

4. Attached hereto is the Affirmation of Corey M. Stern, *Lead Counsel* in state court litigation arising out the Flint Water Crisis, which sets forth in greater detail the factual grounds on which this motion is based.

5. Attached hereto is the Expert Declaration of Robert E. Hirshon, Frank G. Millard Professor Practice and Special Counsel on Developments in the Legal Profession, at the University of Michigan Law School, which supports Plaintiffs' request for relief.


6. Attached hereto is the Memorandum of Law in Support in Plaintiffs' Motion to Disqualify the Michigan Attorney General's Office from the *In re Flint Water Litigation* Matters, which sets forth Plaintiffs' arguments in support of this motion.

7. The first Case Management Order was entered by the Court on November 15, 2016, and no trial date(s) has/have been set. Disposition of this motion will not affect any previously scheduled date or the speedy progression of this matter.

WHEREFORE, Plaintiffs respectfully request that this Court disqualify the Michigan Attorney General from representing any party or parties in the *In re Flint Water Litigation* matters.

Respectfully submitted,

LEVY KONIGSBERG LLP

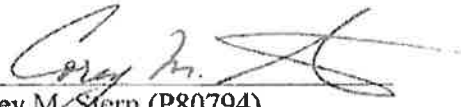

Corey M. Stern (P80794)
800 Third Avenue, 11th Floor
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(212) 605-6298

Dated: March 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2019, I filed the foregoing document with the Clerk of Court and served a copy via email to all parties of record.

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Dated: March 29, 2019